

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STRYKER CORPORATION,
STRYKER PUERTO RICO, LTD., and
STRYKER SALES CORPORATION

Plaintiff and Counter-Defendants,

vs.

ZIMMER, INC., and
ZIMMER SURGICAL, INC.

Defendants and Counter-Plaintiffs.

Civil Action No. 1:10-cv-1223

Hon. Robert J. Jonker
Chief United States District Judge

EXPEDITED CONSIDERATION REQUESTED

**ZIMMER’S UNOPPOSED MOTION FOR STAY OF EXECUTION OF AMENDED
FINAL JUDGMENT PENDING APPEAL AND APPROVAL OF SUPERSEDEAS BOND**

Pursuant to Rule 62(d) of the Federal Rules of Civil Procedure, Defendants Zimmer, Inc. and Zimmer Surgical, Inc. (collectively, “Zimmer”) move for a stay of execution pending appeal on the monetary award in this Court’s Amended Final Judgment and Permanent Injunction After Remand (“Amended Judgment”) entered July 19, 2017 (Dkt. 611), and for approval of the supersedeas bond attached to this motion. Expedited consideration is requested because the 14-day automatic stay of execution under Fed. R. Civ. P. 62(a) will expire on August 2, 2017.

“Rule 62(d) entitles a party who files a satisfactory supersedeas bond to a stay of money judgment as a matter of right.” *Arban v. W. Publ’g Corp.*, 345 F.3d 390, 409 (6th Cir. 2003). This Court can approve a supersedeas bond upon or after the filing of a notice of appeal. Fed. R. Civ. P. 62(d). Zimmer filed a notice of appeal to the United States Court of Appeals for the Federal Circuit on July 24, 2017 (Dkt. 612).

Zimmer has arranged for Liberty Mutual Insurance Company to provide a bond in the amount of \$165 million, a copy of which is attached hereto as Exhibit 1. On approval of the bond, Zimmer will deliver the original to the Court within three business days.

As indicated in Exhibit 2, Stryker has confirmed it has no objection to this motion, including the amount, issuer, or form of bond.

For these reasons, Zimmer requests that this Court enter an order (1) staying execution on the monetary award in this Court's Amended Final Judgment and Permanent Injunction After Remand, and (2) approving Zimmer's supersedeas bond.

July 24, 2017

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Respectfully submitted,

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